

ENTERED

August 28, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CORNELIUS RAY SEPHUS,

Plaintiff,

vs.

THE STATE OF TEXAS, *et al.*,

Defendants.

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CIVIL ACTION H-17-3352

MEMORANDUM ON DISMISSAL

The plaintiff, Cornelius Ray Sephus, has not responded to this Court's order entered July 18, 2018, which required him to submit by August 22, 2018 a more definite statement of the facts on which his complaint is based. (Docket Entry No. 25). The Court's order specifically provided that failure to comply as directed may result in the dismissal of this action for want of prosecution.

To date, Cephus has not complied by submitting a response to this Court's Second Order for More Definite Statement. (Docket Entry No. 25). With regard to this Court's Order for More Definite Statement, the Court must have clear answers to each of its questions before it can evaluate the merits of Cephus's claims. Cephus's failure to comply with this Court's order forces this Court to conclude that he lacks due diligence. Under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* Fed. R. Civ. P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Woodson v. Surgitek, Inc.*, 57

F.3d 1406, 1417 (5th Cir. 1995); 8 James Wm. Moore et al., *Moore's Federal Practice* § 41.51(3)(b) & (e) (3d ed. 2017). Upon a proper showing, relief from this order may be granted in accordance with Fed. R. Civ. P. 60(b). *See Link*, 370 U.S. at 635.

This action is DISMISSED without prejudice for want of prosecution.

SIGNED at Houston, Texas, on AUG 28 2018.

A handwritten signature in black ink, appearing to be 'AHB' with a long diagonal stroke extending from the bottom right.

ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE